

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re: PETER R. RODRIQUEZ)
ELEANOR M. RODRIQUEZ)
)
Debtors/Plaintiffs) Case No. 08-45290-705
)
) Adversary No. 12-04138-705
)
FIRST COMMUNITY CREDIT UNION)
)
Defendant)

**PLAINTIFF'S RESPONSE TO DEFENDANT'S FIRST REQUEST FOR ADMISSIONS
UNDER FED.R.BANKRP. 7036 AND FED.R.CIV.P.36 DIRECTED TO PLAINTIFF
PETER R. RODRIQUEZ**

Comes now Plaintiff Peter R. Rodriquez, pursuant to Federal Rules of Bankruptcy Procedure 7036 and 7026 and Federal Rules of Civil Procedure 36 and 26(b), hereby responds to Defendant's First Request for Admissions Under Fed.R.Bankrp. 7036 and Fed.R.Civ.P.36 Directed to Plaintiff Peter R. Rodriquez.

REQUESTS FOR ADMISSIONS

Admit or deny the following:

1. Admit you signed a Reaffirmation Agreement with Defendant.

RESPONSE: ADMIT

2. Admit you did not notify Defendant or its attorneys of your intention to rescind the Reaffirmation Agreement.

RESPONSE: DENY

3. Admit that on April 28, 2009 you filed a Motion to Reopen your Bankruptcy case stating that “Debtors failed to rescind the reaffirmation agreement within 60 days of the agreement being filed with the court or their discharge.”

RESPONSE: DENY. Plaintiff filed a Motion to Reopen the Bankruptcy case on April 4, 2009.

4. Admit that the Motion to Reopen was filed with the stated purpose of determining whether the debt owed to First Community Credit Union for Debtors’ 2004 Nissan Quest was discharged.

RESPONSE: ADMIT

5. Admit that on or about May 12, 2009 you signed a Consent Judgment in the matter of First Community Credit Union v Peter Rodriquez, 09BB-AC00198, wherein you consented to entry of a Judgment against you and in favor of Defendant.

RESPONSE: ADMIT

6. Admit that you were represented by Counsel in the State Court action.

RESPONSE: ADMIT

7. Admit that on May 26, 2009 you withdrew your Motion to Reopen from the Bankruptcy Court.

RESPONSE: ADMIT

8. Admit that you signed an Amended Consent Judgment on September 13, 2009.

RESPONSE: ADMIT

9. Admit that, pursuant to the Consent Judgment, you agreed to make monthly payments on the Judgment amount.

RESPONSE: ADMIT

10. Admit that, to date, you have made monthly payments totaling \$4,258.00.

RESPONSE: ADMIT

11. Admit that you made a payment of \$100.00 on or about June 6, 2012.

RESPONSE: ADMIT

Respectfully submitted,

DATE: July 19, 2012

/s/Robert W. Cornejo

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